

DOCKET NO. SC11931TP

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICANT(S) Thomas S. Kobayahsi et al. GROUP ART UNIT: 2814
APPLN. NO.: 10/075,218 EXAMINER: Dana Farahani
FILED: February 14, 2002
TITLE: SEMICONDUCTOR DEVICE HAVING A FUSE AND METHOD OF
FORMING THEREOF

Certificate of Transmission under 37 CFR 1.8

I hereby certify that this correspondence is being facsimile
transmitted to the Patent and Trademark Office.

on

01-12-05

Signature

Pat Thomas

Printed Name of Person Signing Certificate

PETITION TO REVIVE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants sent in a notice of appeal and an appeal brief within the deadlines and received confirmation from the USPTO that each was received. Evidence of the confirmation and a copy of the notice of appeal and appeal brief is attached hereto.

Accordingly, pursuant to MPEP 711.03(c)(II), Applicants herein petition the Office to withdraw the holding of abandonment and to enter the notice of appeal and appeal brief.

Applicants believe the foregoing statements and the attached documents are sufficient. Nonetheless, Applicants offer the following statements of facts and discussion of the supporting evidence in order to anticipate any questions the Office may have.

STATEMENT OF FACTS

- (1) A rejection was mailed on October 6, 2003.
- (2) Applicants replied to the final rejection with a 116 amendment via facsimile on November 17, 2003.
- (3) The Examiner mailed an advisory action stating the application was not in condition for allowance in response to the 116 amendment on December 19, 2003.
- (4) On January 6, 2004, Applicants faxed (in duplicate) a notice of appeal and in this letter authorized the USPTO to charge Applicants' deposit account. An auto-reply facsimile transmission from the USPTO was returned. (Exhibit A includes the pages for the response including the auto-reply facsimile transmission from the U SPTO.)
- (5) On March 5, 2004 Applicants filed an appeal brief. (Exhibit B includes copies of the appeal brief including the returned postcard from the USPTO with the USPTO's date stamp of March 8, 2004.)
- (6) On September 22, 2004, Applicants filed a notice of a change to the real party in interest in compliance with Fed. Reb. Vol. 69, No. 155 § 41.8. (Exhibit C includes a copy of this notice.)

DISCUSSION

The abandonment of the application should be withdrawn because the Applicants have properly responded to the final rejection. Within three months, Applicants filed a notice of appeal and then filed an appeal brief within two months of filing the notice of appeal.

The USPTO received both the notice of the appeal and the appeal brief. Applicants have provided copies of the returned fax transmittal for the notice of appeal and the returned postcard for the appeal brief. Therefore, the application should not have been abandoned. Withdrawal of the notice of abandonment is herein respectfully requested.

If any issues remaining after consideration of this petition, Applicants invite the Office to telephone the undersigned so that this matter can be resolved in the most expeditious manner.

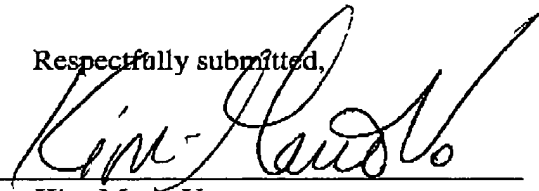
SEND CORRESPONDENCE TO:

Freescall Semiconductor, Inc.
Law Department

Customer Number: 23125

Respectfully submitted,

By:


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